

Duration of a bail bondsman's liability
(SB 853, by Whitmire)

DIGEST:

The bill would have specified that the liability of the surety on appearance bonds in criminal cases ends when there are no further trial-court proceedings pending on the charges for which the bond was obtained. The bill would also have expanded the definition of "person" in the bail-bondsmen act to include "partnership."

GOVERNOR'S
REASONS
FOR VETO:

"While the current law regarding a bail bondsman's liability may be unclear, the change suggested by this legislation could be interpreted to extend such liability through the period a defendant is on probation." He said this interpretation would create more problems for the bailbond industry than it would solve.

SPONSOR'S
VIEW:

Sen. Whitmire said the intent of the bill was to extend a bail bondsman's liability through the end of the trial. The bail bondsmen's lobby did not object to the bill until after it was passed. Whitmire plans to reintroduce the bill because it corrects a problem. Current law says that the bondsman's liability ends upon a finding of guilt. Judges therefore wait to sign the papers that make the verdict final until the day of the sentencing hearing so that the defendant will not have to spend the night in jail or take out a new bond. Whitmire said that with a bill like SB 853, the judges would be able to avoid such delays in signing final verdicts. Judges had sought this change, he said.